IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.69 OF 2007

Amita Vinay Bhandari .. Applicant

vs

Mr.Vinay Manohar Bhandari .. Respondents

Mr.V.A.Sugdare for Applicant

Mr.Vilas Tapkir for Respondent

CORAM : S.A.BOBDE, J

DATED : 17th August, 2007

P.C.

1. This application for transfer of a divorce petition filed by the respondent-husband at Pune to the Court at Nanded. The applicant-wife has earlier filed proceedings for judicial separation under section 10 of the Family Courts Act at Nanded on 15th June, 2006. Later, the husband has filed a petition for divorce at Pune in August, 2006. The wife is unemployed and appears to be surviving on the maintenance amount awarded to her by the Court at Nanded. The husband seems to be employed as a Scientist in National Chemical Laboratories at Pune. The learned counsel for the applicant relies on section 21 A of the Hindu Marriage Act, 1955 and submits that the later petition filed by the respondent-husband at Pune deserves to be transferred to the Court at Nanded. Section 21 A reads as under :

> Power to transfer petitions in certain cases : (1) Where-
>
> a) a petition under this Act has been presented to a district court having jurisdiction by a party to marriage praying for a decree for judicial separation under

section 10 or for a decree of divorce under section 13, and

(b) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree for judicial separation under section 10 or for a decree of divorce under section 13 on any ground whether in the same district court or in a different district court in the same State or in a different State.

the petitions shall be dealt with as specified in sub section 2).

(2) In a case where sub-section (1) applies-

(a) if the petitions are presented to the same district court both the petitions shall be tried and heard together by that district court;

(b) if the petitions are presented to the different district courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(3) In a case where clause (b) of sub section (2) applies, the Court or the Government as the case may be, competent under the Code of Civil Procedure, 1908 (5 of 1908) to transfer any suit or proceeding from the district court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

2. The present application for transfer is hereby allowed in terms of prayer clause (a). P.A. No.641 of 2006 on the file of Court No.2 at Family Court, Pune is hereby transferred to the file of Civil Judge, Junior Division, at Nanded.

3. The learned counsel for the respondents pointing out that the petition for judicial separation filed by the applicant at Nanded has been expedited and therefore prays for an order of

expedition of the divorce petition also. The prayer deserves consideration and in the circumstances it is directed that the divorce petition shall also be decided expeditiously by the Civil Judge, Junior Division, at Nanded. Learned counsel states that the proceedings at Nanded has been directed to be decided within a period of 6 months which are about to end son. Having regard to the circumstances of the case it is directed that both the proceedings shall be decided within a period of 3 months from today.

(S.A.Bobde, J)